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April 26, 2005

Receiver: U.S. Patent and Trademark Office

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Our Ref. No.: SUN1P833

Re: Application No. 09/851,554

Pages Including Cover Sheet(s): 04

MESSAGE:

Dear Sir or Madam:

Please deliver the attached Statement of the Substance of the Interview to Examiner Yigdall.

Please enter this in the file.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Sokolov et al.

Application No.: 09/851,554

Filing Date: May 8, 2001

Title: IDENTIFYING REFERENCES TO OBJECTS DURING BYTECODE VERIFICATION

Attorney Docket No.: SUN1P833/P6212

Examiner: YIGDALL, MICHAEL J.

Group: 2122

Confirmation No.: 4023

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STATEMENT OF THE SUBSTANCE OF THE INTERVIEW

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Interview Summary dated April 11, 2005, please enter the statement of the substance of the interview for the above-identified patent application as follows:

Substance of the Interview begins on page 2 of this paper.

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Substance of the Interview:

Applicant presented the following remarks for discussion regarding Claims 1 and 9 of the pending application at the Interview:

(a) The verifier described by _Steele Jr._ does NOT teach or suggest: determining whether a Java command is likely to place the only reference to a Java object on an execution stack (Claim 9)

In the Final Office Action, the Examiner has asserted that _Steele Jr._ teaches: "determining the number of references to an object" (Final Office Action, page 2). It is noted that _Steele Jr._ teaches: "number of reference variables (R) is determined" (_Steele Jr._, Col. 16, lines 48-50). However, contrary to the Examiner's assertion, it is very respectfully submitted that determining the number of reference variables does NOT teach or suggest: determining the number of references to an object. Clearly, _Steele Jr._ is referring to variable slots used by a method (_Steele Jr._, Col. 15, line 3), and NOT the number of references to a particular object. As such, it is respectfully submitted that _Steele Jr._ does NOT teach or suggest determining whether a Java command is likely to place the only reference to a Java object on an execution stack because, among other things, it fails to even teach: determining the number of references to an object.

(b) Determining control paths taught by _Agesen et al._ does NOT teach or suggest determining whether there is a change in the flow control (Claim 1)

It is noted that _Agesen et al._ teaches: "determining whether an instruction sequence includes code defining at least two control paths leading to a common jsr subroutine" (_Agesen et al._, Col. 12, lines 55-59). However, contrary to the Examiner's assertion, it is very respectfully submitted that determining whether at least two control paths lead to a common subroutine, (see, Figs. 1 and 2 of _Agesen et al._) does NOT teach or suggest determining whether there is a change in the flow control.

(c) _Agesen et al._ does NOT teach or suggest determining whether there is a change in flow control in connection with determining whether a command is likely to place a reference to an object on an execution stack (Claim 1)

Agesen et al. et al. pertains to removal of reference conflicts (_Agesen et al._, Title). It is respectfully submitted that _Agesen et al._ does NOT teach or suggest:

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determining control paths for the purpose or even in connection with determining: <u>when an instruction is likely to place a reference on an execution stack</u>. Accordingly, it is respectfully submitted that *Agesen et al.* cannot possibly teach or suggest this feature and claim 1 is therefore believed to be patentable over *Agesen et al.* for this additional reason.

(d) <u>The Examiner has NOT made an prima facie case of obviousness because the Examiner has failed to provide a motivation or suggestion for combining *Agesen et al,* and *Steele Jr.*</u>

It is very respectfully submitted that general allegation that *Agesen et al* and *Steele Jr.* <u>can</u> be combined to improve garbage collection is NOT enough to establish a prima facie case of obviousness (see, for example, MPEP §2143.01, paragraphs 1 and 3). The Examiner needs to provide a motivation or suggestion <u>in</u> the references themselves, or in the general art, <u>for combining</u> the references in the first place. In this case, the Examiner has failed to provide a motivation or suggestion for combining *Agesen et al.* and *Steele Jr.* as the Examiner has merely made a general allegation that the combination would improve garbage collection.

Moreover, in this case, there is no motivation to combine the reference because, among other things, *Agesen et al.* pertains to "removal of reference conflicts" and not determining whether a command is <u>likely to place a reference to an object on an execution stack</u>. Again, eliminating conflicts associated with control paths is NOT the same goal or motivation for determining whether a command is likely to place a reference on an execution stack. As such, there is NO need or motivation to combine the analysis of control path in *Agesen et al.* with the teaching of *Steele Jr.*

Agreement with respect to the claims was not reached.

Respectfully submitted,
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